

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
EASTERN DIVISION**

**PATRICK D. PERRY; JUSTIN BRYANT;
THOMAS CODY NAYLOR,
CHERI BAKER, CHRIS WILKERSON;
MICHAEL HATCH, and ETHAN
VASQUEZ on behalf of themselves and
all others similarly situated,**

Plaintiffs,

V.

Case No. 19-1106-STA-jay

**HARDEMAN COUNTY GOVERNMENT,
HARDEMAN COUNTY COMMISSION,
HARDEMAN COUNTY SHERIFF'S OFFICE,
and JIMMY SAIN, Individually,**

Defendants.

ORDER GRANTING MOTIONS TO DISMISS OF DEFENDANT JERRY MCCORD

Defendant Jerry McCord, Hardeman County Emergency Communications Director, has moved to dismiss the claims brought against him. (ECF Nos. 48, 49.) Plaintiffs have not responded to the motions.

Defendant asserts that individual liability arises under the FLSA only when the individual qualifies as an “employer,” i.e., any person acting directly or indirectly in the interest of an employer in relation to an employee. 29 U.S.C. § 203(d). In this case, as noted by Defendant, the amended complaint fails to allege facts that show that Defendant qualifies as an employer.

For good cause shown, Defendant Jerry McCord's motions to dismiss are **GRANTED**, and he is hereby **DISMISSED** as a defendant in this lawsuit.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: January 15, 2020